

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

AMAZON.COM, INC. and AMAZON)
DATA SERVICES, INC.,)

Plaintiffs,)

v.)

Civil Action No. 1:20-cv-484 (RDA/IDD)

WDC HOLDINGS LLC d/b/a)
NORTHSTAR COMMERCIAL)
PARTNERS, *et al.*,)

Defendants.)

800 HOYT LLC,)

Intervening Interpleader Plaintiff,)

v.)

BRIAN WATSON, WDC HOLDING LLC,)
BW HOLDINGS LLC, PLW CAPITAL I,)
LLC.AMAZON.COM, INC. and AMAZON)
DATA SERVICES, INC.,)

Interpleader Defendants.)

ORDER

This matter comes before the Court on the Court on Defendants' Motion for Leave to File Multiple Summary Judgment Motions (Dkt. 827) and Defendants' Motion to Amend This Court's Order Authorizing the Receiver's Use of Insurance Proceeds to Pay Defendants' Legal Fees (Dkt. 998).

Multiple summary judgment motions are disfavored under this Court's Local Rules. *See* E.D. Va. Loc. Civ. R. 56(C) ("Unless permitted by leave of Court, a party shall not file separate motions for summary judgment addressing separate grounds for summary judgment."). To overcome this presumption against piecemeal resolution of litigation through multiple summary judgment motions, this Court requires a showing that outweighs the interest in "preserv[ing] judicial resources." *Emami v. Bolden*, No. 2:15-cv-34, 2016 WL 8243169, at *2 (E.D. Va. Sept. 7, 2016). In support of their motion for leave to file multiple motions for summary judgment, Defendants argue that the White Peaks Transaction is sufficiently distinct from other "Lease Transactions" alleged in the Third Amended Complaint, that a grant of partial summary judgment would simplify and streamline this case, and that the complex nature of this case justifies granting leave to file multiple summary judgment motions. *See* Dkt. 828 at 1-8; Dkt. 853 at 2-5.

Defendants have not demonstrated that departure from the default presumption against multiple summary judgment motions is warranted here. With discovery in this case nearing its end, any efficiencies to be gained from permitting Defendants to file a separate summary judgment motion on the White Peaks Transaction is minimal at best. Defendants, of course, remain free to seek summary judgment on this independent ground in a summary judgment motion that might also address other grounds for summary disposal under Federal Rule of Civil Procedure 56.

Defendants also move the Court for an Order amending the Court's January 21, 2022 Order Authorizing the Receiver's Use of Insurance Proceeds to Pay Defendants' Covered Legal Fees (Dkt. 502). Plaintiffs have not opposed the Motion, and the Receiver does not object. *See* Dkt. 998 at 1. Having reviewed the unopposed Motion, the Court finds good cause to modify its prior Order and grant the relief Defendants request.

For these reasons, it is hereby ORDERED that Defendants' Motion for Leave to File Multiple Summary Judgment Motions (Dkt. 827) is DENIED; and it is


FURTHER ORDERED that Defendants' Motion to Amend This Court's Order Authorizing the Receiver's Use of Insurance Proceeds to Pay Defendants' Legal Fees (Dkt. 998) is GRANTED; and it is

FURTHER ORDERED that Arch Insurance Company ("AIC"), Defendants' carrier for purposes of their excess Director's and Officer's ("D&O") coverage, is authorized to continue advancing defense costs to the Receiver consistent with the terms of Northstar's excess D&O policy, AIC Policy No. AAXQ300383-01, and this Court's Order Appointing Receiver and Ordering Turnover of Property to the Receiver (Dkt. 433) including paragraph 5.j(e); and it is

FURTHER ORDERED that the Receiver is authorized to continue using such disbursed funds to cover Defendants' and other insured persons' attorney's fees and costs as permitted under AIC Policy No. AAXQ300383-01 for legal services rendered in connection with this case, a related grand-jury investigation in the Eastern District of Virginia, and the Securities and Exchange Commission's ("SEC's") enforcement action against Defendants pending in the U.S. District Court for the District of Colorado.

It is SO ORDERED.

Alexandria, Virginia
October 7, 2022

/s/ 

Rossie D. Alston, Jr.
United States District Judge